

## Federal Statutes Governing Child Pornography and Enticement Crimes

Section	Prohibits <sup>1</sup>	Mandatory Min. Penalty	Max. Penalty
18 U.S.C. § 2251(a)	Employing, using, or enticing a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct	15 years (1st offense) 25 years (2nd offense <sup>2</sup> ) 35 years (3rd offense)	30 years (1st offense) 50 years (2nd offense) Life (3rd offense)
18 U.S.C. § 2251(b)	Parent or guardian permitting a minor to engage in sexually explicit conduct for the purpose of producing a visual depiction of that conduct	Same as above	Same as above
18 U.S.C. § 2251(c)	Employing, using, or enticing a minor to engage in sexually explicit conduct outside the United States to produce a visual depiction of that conduct for the purpose of transporting it to the United States	Same as above	Same as above
18 U.S.C. § 2251(d)	Advertising to receive, trade, buy, or distribute a visual depiction of a minor engaging in sexually explicit conduct or to participate in any act of sexually explicit conduct with a minor for the purpose of producing a visual depiction of that conduct	Same as above	Same as above

<sup>1</sup> These statutes generally each contain an element conferring federal jurisdiction, such as a nexus to interstate or foreign commerce (such as interstate or foreign transportation or travel, or use of a facility or means of interstate or foreign commerce) or that the offense occurred in the special maritime or territorial jurisdiction of the United States. For the sake of brevity, these jurisdictional elements are omitted from this summary chart.

<sup>2</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornography, sex abuse, obscenity, and enticement/traveler offenses, or any state conviction relating to the sexual exploitation of children. *See* 18 U.S.C. § 2251(e).

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Section	Prohibits	Mandatory Min. Penalty	Max. Penalty
18 U.S.C. § 2251A(a)	Parent or guardian selling or transferring custody of a minor knowing or intending that the minor will be portrayed in a visual depiction of sexually explicit conduct, or offering to do so	30 years	Life
18 U.S.C. § 2251A(b)	Purchasing or obtaining custody of a minor, knowing or intending that the minor will be portrayed in a visual depiction of sexually explicit conduct, or offering to do so	Same as above	Same as above
18 U.S.C. § 2252(a)(1)	Transporting a visual depiction of a minor engaging in sexually explicit conduct	5 years (1st offense) 15 years (2nd offense <sup>3</sup> )	20 years (1st offense) 40 years (2nd offense)
18 U.S.C. § 2252(a)(2)	Receiving or distributing a visual depiction of a minor engaging in sexually explicit conduct	Same as above	Same as above
18 U.S.C. § 2252(a)(3)	Selling, or possessing with intent to sell, a visual depiction of a minor engaging in sexually explicit conduct	Same as above	Same as above
18 U.S.C. § 2252(a)(4)	Possessing a visual depiction of a minor engaging in sexually explicit conduct	None (1st offense) 10 years (2nd offense <sup>4</sup> )	10 years (1st offense) 20 years (2nd offense)

<sup>3</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornography, sex abuse, obscenity, and enticement/traveler offenses, or any state conviction relating to the sexual exploitation of children. See 18 U.S.C. § 2252(b)(1).

<sup>4</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornography, sex abuse, obscenity, and enticement/traveler offenses, or any state conviction relating to the sexual exploitation of children. See 18 U.S.C. § 2252(b)(2).

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Section	Prohibits	Mandatory Min. Penalty	Max. Penalty
18 U.S.C. § 2252A(a)(1)	Transporting child pornography <sup>5</sup>	5 years (1st offense) 15 years (2nd offense <sup>6</sup> )	20 years (1st offense) 40 years (2nd offense)
18 U.S.C. § 2252A(a)(2)	Receiving or distributing child pornography	Same as above	Same as above
18 U.S.C. § 2252A(a)(3)	Reproducing child pornography for distribution, or advertising material as an obscene visual depiction of a minor engaging in sexually explicit conduct or as a visual depiction engaging in sexually explicit conduct	Same as above	Same as above
18 U.S.C. § 2252A(a)(4)	Selling, or possessing with intent to sell, child pornography	Same as above	Same as above
18 U.S.C. § 2252A(a)(5)	Possessing child pornography	None (1st offense) 10 years (2nd offense <sup>7</sup> )	10 years (1st offense) 20 years (2nd offense)

<sup>5</sup> 18 U.S.C. § 2252A uses the term “child pornography,” which is defined at 18 U.S.C. § 2256(8): “Child pornography” includes not only a visual depiction of a minor engaging in sexually explicit conduct, but also a visual depiction that is indistinguishable from that of a minor engaging in sexually explicit conduct as well as a visual depiction that has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct. See 18 U.S.C. § 2256(8)(A)-(C).

<sup>6</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornography, sex abuse, obscenity, and enticement/traveler offenses, or any state conviction relating to the sexual exploitation of children. See 18 U.S.C. § 2252A(b)(1).

<sup>7</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornography, sex abuse, obscenity, and enticement/traveler offenses, or any state conviction relating to the sexual exploitation of children. See 18 U.S.C. § 2252A(b)(2).

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Section	Prohibits	Mandatory Min. Penalty	Max. Penalty
18 U.S.C. § 2252A(a)(6)	Distributing child pornography to a minor for purposes of persuading a minor to engage in illegal activity	5 years (1st offense) 15 years (2nd offense <sup>8</sup> )	20 years (1st offense) 40 years (2nd offense)
18 U.S.C. § 2260(a)	Employing or using a minor to engage in sexually explicit conduct outside the United States for the purpose of producing a visual depiction of that conduct to be imported into the United States, or the transportation of a minor with the intent to create such a visual depiction	None (1st offense) None (2nd offense)	10 years (1st offense) 20 years (2nd offense <sup>9</sup> )
18 U.S.C. § 2260(b)	Receiving, transporting, or distributing a visual depiction of a minor outside the United States intending that it be imported into the United States	Same as above	Same as above
18 U.S.C. § 2422(a)	Persuading, inducing, enticing, or coercing any person to travel to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense	None	20 years

<sup>8</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornographyography, sex abuse, obscenity, and enticement/traveler offenses, or any state conviction relating to the sexual exploitation of children. See 18 U.S.C. § 2252A(b)(1).

<sup>9</sup> Qualifying convictions for the enhanced penalties for repeat offenses include federal child pornography and sex abuse convictions. See 18 U.S.C. § 2260(c)(2).

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Section	Prohibits	Mandatory Min. Penalty	Max. Penalty
18 U.S.C. § 2422(b)	Persuading, inducing, enticing, or coercing any person under 18 to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense	5 years	30 years
18 U.S.C. § 2423(a)	Transporting a person under 18 with intent that the person engage in prostitution or any sexual activity for which any person can be charged with a criminal offense	5 years	30 years
18 U.S.C. § 2423(b)	Traveling for the purpose of engaging in any illicit sexual conduct <sup>10</sup> with another person	None	30 years
18 U.S.C. § 2425	Transmitting information about a person under 16 with the intent to entice, encourage, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense	None	5 years

<sup>10</sup> “Illicit sexual conduct” means a sexual act with a person under 18 that would be in violation of federal sex abuse statutes if it occurred within the special maritime and territorial jurisdiction of the United States, or any commercial sex act with a person under 18. See 18 U.S.C. § 2423(f).

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